

NOT DESIGNATED FOR PUBLICATION
ARKANSAS COURT OF APPEALS
D. P. MARSHALL JR., Judge

DIVISION II

CA06-978

6 June 2007

GAIL PARKERSON,
APPELLANT

AN APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT v.
[CIV-2004-346III]

RICHARD MCMURTREY,
SANDRA MCMURTREY, and
ERNIE'S WRECKER & BODY
SHOP INC.,
APPELLEES

THE HONORABLE THOMAS LYNN
WILLIAMS, CIRCUIT JUDGE

DISMISSED WITHOUT PREJUDICE;
MOTION TO STRIKE APPELLANT'S
REPLY BRIEF MOOT

Gail Parkerson appeals the circuit court's denial of her motion to recuse and its order quieting title to a disputed strip of property in her neighbors, Richard and Sandra McMurtrey. We dismiss Parkerson's appeal for lack of an appealable order.

Parkerson claimed that she adversely possessed a strip of land in front of her house where she parked her Corvette. After the McMurtreys had the Corvette towed, Parkerson sued them, Ernie's Wrecker and Body Shop Inc., and John Does 1-5 for replevin and to quiet title. The McMurtreys counter-claimed against Parkerson to

quiet title to the land in themselves. Before trial, Parkerson identified John Doe 1 as Garland County and served the County. The other Doe defendants were never identified or served.

After Parkerson presented her case at trial, the McMurtreys and Ernie's moved for a directed verdict. The court granted the motions and, after hearing more evidence, quieted title to the disputed land in the McMurtreys. The record indicates, however, that the circuit court never adjudicated Parkerson's claims against Garland County or John Does 2–5.

Whether an order is final and subject to appeal is a jurisdictional matter that this court must address when the record raises the question. *Moses v. Hanna's Candle Co.*, 353 Ark. 101, 103, 110 S.W.3d 725, 726 (2003). Because the judgment here did not resolve all Parkerson's claims against all the parties, and because the circuit court did not certify the judgment pursuant to Arkansas Rule of Civil Procedure 54(b), it is not final and we lack jurisdiction to review it. Ark. R. App. P.—Civ. 2(a); *Moses*, 353 Ark. at 103–04, 110 S.W.3d at 726. We therefore dismiss Parkerson's premature appeal without prejudice.

The McMurtreys have moved to strike Parkerson's reply brief because they say that it raises new arguments and argues facts, events, and documents neither

abstracted nor substantiated in the record. Our dismissal makes the motion moot.

GLADWIN and MILLER, JJ., agree.